

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ZACHARY D. HARRISON, on behalf of
himself and those similarly situated,

Plaintiff,

v.

DELGUERICO'S WRECKING &
SALVAGE, INC., and

TONY DELGUERICO, Individually,

Defendants.

CIVIL ACTION

NO. 13-5353

ORDER

AND NOW, this 18th day of March, 2015, after consideration of Plaintiff, Zachary Harrison's ("Plaintiff"), "Motion to Certify Class" (Doc. No. 31), Defendants, DelGuerico's Wrecking & Salvage, Inc. and Tony DelGuerico's (collectively, "Defendants"), Memorandum of Law in Opposition, and Plaintiff's Reply thereto, it is hereby **ORDERED** that the Motion is **GRANTED**. It is further **ORDERED** that:

1. The conditionally certified class is defined as: all current and former non-exempt employees (including those improperly categorized as independent contractors) employed by Defendants after September 13, 2010, who worked overtime hours, but were not paid overtime wages of at least one and one half times the applicable regular wage rate for each hour worked beyond forty (40) hours in a given work week at any time during their employment;
2. Defendants shall be under a continuing duty to provide Plaintiff with information relating to Defendants' employees and contractors who provided any service to Defendants after September 13, 2010, including each individual's name, job title, last known address, telephone number, email address (if available), dates of employment, and date of birth;

3. Plaintiff's proposed "Notice of Collective Action and Opportunity to Join a Lawsuit" ("Notice") is approved. Within seven (7) days after the entry of this Order, Plaintiff's counsel shall mail to all current and former employees and contractors of Defendants who provided service to Defendants after September 13, 2010, copies of the attached Notice and Opt-In Consent Form and a postage-paid return envelope bearing Plaintiff's counsel's address (collectively, the "Notice Package"). The Notice Packages shall be mailed in envelopes bearing Plaintiff's counsel's return address. Plaintiff's counsel shall pay all postage and printing costs associated with the preparation and mailing of the Notice Packages. If any Notice Package is returned as undeliverable, Plaintiff's counsel shall make all reasonable efforts to update the address information and re-send the Notice Package;
4. This Notice shall be posted within all of Defendants' work sites in the same areas in which they are required to post Fair Labor Standards Act ("FLSA") notices;
5. In order to participate in this action as an opt-in party under FLSA § 216(b), a class member must complete his/her Opt-In Consent Form and return it in an envelope postmarked on or before the deadline indicated in the Notice Package, which shall be set at ninety-seven (97) days after the entry of this Order;
6. Within one hundred and four (104) days of the entry of this Order, Plaintiff's counsel shall file with the Court all completed and timely Opt-In Consent Forms, and, prior to filing, the parties shall confer in good faith to amicably resolve any disputes concerning the completeness or timeliness of any Opt-In Consent Forms; and
7. The parties shall, within one hundred and eleven (111) days of the entry of this Order, jointly submit to the Court a proposed schedule for the completion of this litigation.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE